

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ASUSTEK COMPUTER, INC. and ASUS  
COMPUTER INTERNATIONAL

Plaintiff(s),

CASE NO. C08-1168-MMC

INTERNATIONAL BUSINESS  
MACHINES CORPORATION

Defendant(s).

STIPULATION AND [PROPOSED]  
ORDER SELECTING ADR PROCESS

Counsel report that they have met and conferred regarding ADR and have reached the following stipulation pursuant to Civil L.R. 16-8 and ADR L.R. 3-5:

The parties agree to participate in the following ADR process:

**Court Processes:**

Non-binding Arbitration (ADR L.R. 4)

☒ Early Neutral Evaluation (ENE) (ADR L.R. 5)

☒ Mediation (ADR L.R. 6)

*(Note: Parties who believe that an early settlement conference with a Magistrate Judge is appreciably more likely to meet their needs than any other form of ADR, must participate in an ADR phone conference and may not file this form. They must instead file a Notice of Need for ADR Phone Conference. See Civil Local Rule 16-8 and ADR L.R. 3-5)*

**Private Process:**

Private ADR (please identify process and provider) \_\_\_\_\_

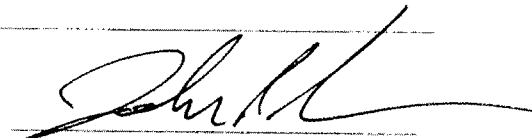
The parties agree to hold the ADR session by:


☒ the presumptive deadline *(The deadline is 90 days from the date of the order referring the case to an ADR process unless otherwise ordered.)*

other requested deadline \_\_\_\_\_

Dated: 5-30-08

Dated: JUNE 6, 2008

  
Attorney for Plaintiff

  
Attorney for Defendant

**[PROPOSED] ORDER**

Pursuant to the Stipulation above, the captioned matter is hereby referred to:

Non-binding Arbitration  
Early Neutral Evaluation (ENE)  
Mediation  
Private ADR

Deadline for ADR session

✓ 90 days from the date of this order.  
other

IT IS SO ORDERED.

Dated: \_\_\_\_\_

\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on May 30, 2008 to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Fed. R. Civ. P. 5(b)(3). Any other counsel of record will be served by electronic mail, facsimile and/or overnight delivery.

Dated: May 30, 2008

By: /s/ John P. Schnurer  
John P. Schnurer

Attorneys for Plaintiffs and Counter-  
Defendants ASUSTeK Computer, Inc. and  
ASUS Computer International